

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CLIFTON C. BERRY,
Plaintiff,

vs.

ARISTOCRAT TECHNOLOGIES, INC.,
Defendant.

Case No. 2:16-cv-00281-APG-CWH

ORDER

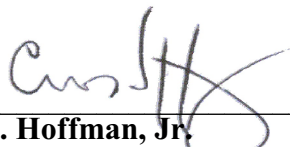
Presently before the court is Defendant Aristocrat Technologies, Inc.'s Special Appearance to Provide Notice of Settlement of Claims (ECF No. 3), filed on October 12, 2016. Defendant represents that the parties settled this case and that as part of the settlement agreement, Plaintiff Clifton C. Berry executed a notice of voluntary dismissal under Rule 41 of the Federal Rules of Civil Procedure. Defendant attaches to the notice a redacted version of the parties' settlement agreement, which requires Plaintiff to sign and file a notice of voluntary dismissal. (ECF No. 3-2 at 2-3.) Defendant also attaches a notice of voluntary dismissal signed by Plaintiff. (*Id.* at 7.) Defendant states that although the settlement agreement required Plaintiff to file the notice of voluntary dismissal, Plaintiff failed to do so, which is the reason Defendant is providing it to the court.

Under Rule 41(a)(1)(A), a plaintiff may dismiss a case without a court order by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment" or "a stipulation of dismissal signed by all parties who have appeared." In this case, Defendant has not filed an answer or a motion for summary judgment and appeared only for the purpose of filing the notice of voluntary dismissal that Plaintiff was supposed to file under the terms of the parties' settlement agreement. Given that Plaintiff executed a notice of voluntary

1 dismissal and that it has now been filed in the court's docket, a court order is not required to
2 dismiss the case. The clerk of court therefore may close the case per Plaintiff's notice of voluntary
3 dismissal (ECF No. 3-2 at 7.)

4 IT IS SO ORDERED.

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6 DATED: October 27, 2016

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9 **C.W. Hoffman, Jr.**
10 **United States Magistrate Judge**
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